IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MALIBU MEDIA, LLC, Plaintiff,	:	
v.	:	Civil No. 1:15-cv-01206-YK (Hon. Yvette Kane)
BOBBY SLAYTON, JR., Defendant.	:	

ANSWER TO PLAINTIFF'S COMPLAINT

AND NOW, this 15th day of December, 2015, comes the above Defendant, by counsel, CGA Law Firm, and does file the within Answer to Plaintiff's Complaint averring that:

1. Admitted.

2. Denied.

3. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

4. Admitted.

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied, excepting that it is admitted that Defendant resides in this District.

6. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

7. Admitted in part and denied in part. It is admitted that venue is proper in this District. The remaining allegations contained in this paragraph of Plaintiff's Amended Complaint are denied.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint.

9. Admitted.

10. Admitted in part and denied in part. It is admitted that BitTorrent can be used for peer-to-peer file sharing including the sharing of digital movie files. It is denied that BitTorrent is a network—it is, in fact a communication protocol. Defendant lacks knowledge or information sufficient to form a belief as to whether BitTorrent is the "most common" peer-to-peer protocol.

11. Admitted in part and denied in part. It is admitted that BitTorrent's protocol allows users to interact with each other directly. Defendant lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in this Paragraph of Plaintiff's Amended Complaint.

12. Denied. Although the allegations contained in this Paragraph present a somewhat accurate description of the operation of the BitTorrent protocol as far as Defendant is aware, Defendant lacks knowledge or information sufficient to form a belief as to the precise methods by which BitTorrent operates.

13. Denied. Although the allegations contained in this Paragraph present a somewhat accurate description of the operation of the BitTorrent protocol as far as Defendant is aware, Defendant lacks knowledge or information sufficient to form a belief as to the precise methods by which BitTorrent operates. Moreover, Defendant denies that he is an "infringer" as that word is used in this Paragraph of Plaintiff's Amended Complaint.

14. Denied. Although the allegations contained in this Paragraph present a somewhat accurate description of the operation of the BitTorrent protocol as far as Defendant is aware, Defendant lacks knowledge or information sufficient to form a belief as to the precise methods by which BitTorrent operates.

15. Denied. Although the allegations contained in this Paragraph present a somewhat accurate description of the operation of the BitTorrent protocol as far as Defendant is aware, Defendant lacks knowledge or information sufficient to form a belief as to the precise methods by which BitTorrent operates.

16. Denied. Although the allegations contained in this Paragraph present a somewhat accurate description of the operation of the BitTorrent protocol as far

as Defendant is aware, Defendant lacks knowledge or information sufficient to form a belief as to the precise methods by which BitTorrent operates. Moreover, Defendant denies that he is an "infringer" as that word is used in this Paragraph of Plaintiff's Amended Complaint.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

19. Admitted in part and denied in part. It is admitted that Defendant has used the BitTorrent protocol to download pornographic films. It is denied that he copied or distributed any films at any time. Defendant lacks knowledge or information sufficient to form a belief as to whether any—or even one—of the films downloaded were those identified by Plaintiff.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

22. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

24. Denied.

25. Admitted in part and denied in part. It is admitted that Defendant's father is the listed subscriber for Defendant's home internet service account. Defendant lacks knowledge or information to form a belief about the truth of the remaining averments in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

26. Admitted with clarification. Defendant lives with both his Father and his Mother at the address listed.

27. Denied. Defendant believes, and therefore avers, that no infringement has occurred.

28. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

29. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

30. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

31. Admitted in part and denied in part. It is admitted that Defendant regularly uses the internet at his residence. It is denied that any infringement occurred. By way of further response, Defendant finds the allegations contained in this Paragraph to be deeply disturbing. Defendant has no idea how Plaintiff came to know that he has access to and regularly uses the Internet at his parent's house, but considers this "pre-suit investigation" to be a violation of his privacy and Defendant intends to seek full and complete disclosure of the methods utilized in such investigation to ensure that such activities were lawful.

32. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied. Again, Defendant finds this

allegation to be deeply disturbing. Defendant has no idea to which "publicly-declared" interests Plaintiff is referring or how such interests may, or may not, correlate to his online activities, but finds it extremely troubling that—apparently—Plaintiff has been monitoring him without his knowledge or consent. Defendant intends to seek full and complete disclosure of the methods utilized in such investigation to ensure that such activities were lawful.

33. Admitted in part and denied in part. It is admitted that Defendant was a user of BitTorrent. It is denied that he used the same to commit any unlawful infringement of Plaintiff's works.

34. The allegations contained in this paragraph assert a conclusion of law for which no response is required. To the extent a response is deemed required, Defendant denies such allegations.

35. Admitted in part and denied in part. It is admitted that counsel has entered an appearance on behalf of Plaintiff in this matter. Defendant lacks knowledge or information sufficient to form a belief concerning the fee arrangements between Plaintiff and its counsel. These averments are, therefore, denied.

36. Defendant incorporates each of the preceding answers by reference as if full set forth herein.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegation contained in this paragraph of Plaintiff's Amended Complaint. These averments are, therefore, denied.

38. Denied. While Defendant has used BitTorrent to download video files, it is denied that he copied or distributed any films at any time. Defendant lacks knowledge or information sufficient to form a belief as to whether any—or even one—of the films downloaded were those identified by Plaintiff.

39. Denied, except to admit that Defendant has never, to the best of his knowledge and recollection, communicated directly with Plaintiff.

40. The allegations contained in this Paragraph state conclusions of law for which no response is necessary. To the extent a response is deemed necessary, Defendant denies such allegations.

41. The allegations contained in this Paragraph state conclusions of law for which no response is necessary. To the extent a response is deemed necessary, Defendant denies such allegations.

WHEREFORE, Defendant requests this Honorable Court dismiss Plaintiff's Complaint with Prejudice.

Respectfully submitted,

CGA Law Firm

By: /s/ Hunter B. Schenck, Esquire

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Plaintiff,	:	
	:	Civil No. 1:15-cv-01206-YK
v.	:	(Hon. Yvette Kane)
	:	
BOBBY SLAYTON, JR.,	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December 2015, a true and correct copy of the foregoing Answer to Plaintiff's Complaint, was served via ECF upon the following:

Christopher P. Fiore, Esq.
FIORE & BARBER, LLC
418 Main Street, Ste. 100
Harleysville, PA 19438

By: /s/ Hunter B. Schenck, Esquire
Hunter B. Schenck, Esquire
Counsel for Defendant